



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

FACT SHEET
July 2, 2003

**Intent to Issue a Permit for the Operation of
A Hazardous Waste Storage Facility under the
New Mexico Hazardous Waste Act**

**Safety-Kleen Systems, Inc., Farmington Service Center
San Juan County, Farmington, New Mexico**

Facility Name: Safety-Kleen Systems, Inc. Farmington Service Center (**Safety-Kleen**)

EPA ID Number: NMD980698849

Type of Facility: The Safety-Kleen Farmington Service Center is classified as a hazardous waste storage facility under the New Mexico Hazardous Waste Act (**HWA**) and the Resource Conservation and Recovery Act, Subtitle C (**RCRA**). The facility will be permitted to continue to accept, manage, and store hazardous wastes that are ultimately shipped to a Safety-Kleen recycling facility or a contract reclaimer and then returned to the Company's customers as product. The facility is an accumulation point for spent solvents generated by Safety-Kleen customers, the majority of whom are small quantity generators.

Location: The Safety-Kleen Systems, Inc., Farmington Service Center is located at 4210 A. Hawkins Road in the City of Farmington, San Juan County, New Mexico on Latitude 36° 44' 20" North and on Longitude 108° 14' 11" West.

Owner: Comet Corporation

Operators: Safety-Kleen Systems, Inc.

INTRODUCTION

Comet Corporation is the owner and Safety-Kleen Systems, Inc. is the operator of the hazardous waste facility that is required to obtain a permit from the New Mexico Environment Department (NMED) to manage, store, and transport hazardous waste at Safety-Kleen pursuant to the HWA and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*). Prior to issuing a final permit, the NMED is required to issue a draft permit for public comment, pursuant to 20.4.1.901.A.3 NMAC. This fact sheet contains all required information under 20.4.1.901 (a) through (f) and is intended to facilitate public review of the draft permit.

REGULATORY BACKGROUND

Subtitle C of RCRA provides for "cradle to grave" environmental regulation for the management of hazardous waste at a hazardous waste facility. These requirements will be applicable from the moment waste is received at CSU. The New Mexico Administrative Code (20.4.1.500 and 20.4.1.900 NMAC, incorporating 40 CFR 264 and 270) provides specific performance standards in addition to general and specific environmental requirements that will apply to this facility.

The United States Environmental Protection Agency (EPA), under RCRA, authorizes NMED, to issue and enforce RCRA hazardous waste facility permits (see 50 FR 1515, January 11, 1985). New Mexico implements this authority under the HWA, Sections 74-4-1 *et seq.* (Repl. Pamp. 1992). On January 2, 1996, New Mexico received final authorization to implement federal requirements under the Hazardous and Solid Waste Amendments of 1984 (HSWA, see 61 FR 2450, January 26, 1996).

NMED, by and through its Secretary, is responsible for the administration and enforcement of the HWA. The HWA requires each person owning and/or operating an existing facility or planning to construct a new facility for the treatment, storage, and/or disposal of hazardous waste identified or listed under law to have a permit. NMED has adopted pertinent sections of the federal code of regulations (40 CFR Parts 260 through 270 and 273) under which it administers its hazardous waste treatment, storage, and disposal facility permitting program, as codified in the New Mexico Hazardous Waste Management Regulations 20.4.1 NMAC. Thus, the NMED Secretary has the authority to administer the issuance of a hazardous waste facility permit for Safety-Kleen Systems, Inc., Farmington Service Center.

PROCEDURAL BACKGROUND FOR THE SAFETY-KLEEN APPLICATION

General Permit Application Requirements: NMED followed the same regulatory procedure for Safety-Kleen's permit application as it does for other facilities seeking a RCRA permit. Owners or operators of hazardous waste management facilities are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of the facility. This permit application is divided into two parts: A and B.

Part A is a short, standard form that summarizes general information about a facility, including the name of the owner/operator, a list of the types of wastes managed at the facility, a facility layout diagram, and the activities requiring a permit.

Part B is an extensive document, submitted in a narrative, tabular, and schematic format, that describes the facility operations in detail. This information must include, but is not limited to: a general description of the facility; a waste analysis plan; information on the design and operation of all hazardous waste management units; procedures to prevent hazards; a contingency plan; and special information where applicable. In addition to the general Part B information required of all applicants, the New Mexico Hazardous Waste Management Regulations require that applicants comply with specific information requirements for containers, under 20.4.1.900 NMAC (incorporating 40 CFR 270.15).

Permit Application. Safety-Kleen Systems, Inc. submitted its Permit renewal Application on October 4, 2000, to manage and store hazardous waste at its Farmington facility. Safety-Kleen revised the permit application in response to the NMED's technical comments.

Following review of the application NMED sent Safety-Kleen a request for supplemental information (RSI) on January 9, 2001. On February 20, 2002, NMED sent Safety-Kleen a second RSI. On March 27, 2002, Safety-Kleen submitted a request for a thirty-day extension of the response deadline. On April 8, 2002, NMED granted the deadline extension. On June 3, 2002, NMED received a second time extension request from Safety-Kleen. On June 10, 2002, NMED approved the extension request with a due date of June 28, 2002. On November 15, 2002, NMED issued Safety-Kleen a notice of deficiency on the Waste Analysis Plan. On January 22, 2003, Safety-Kleen requested a time extension to the NOD deadline to fully respond to the deficiencies. NMED granted the extension on January 29, 2003. On February 24, 2003, Safety-Kleen submitted a sixty-day time extension request to respond to the Waste Analysis Plan. On February 25, 2003, NMED granted the extension. On March 9, 2003, NMED received the Waste Analysis Plan comments from Safety-Kleen. NMED deemed the application administratively complete on February 4, 2003.

TYPE AND QUANTITY OF WASTES PROPOSED TO BE TREATED, STORED, AND DISPOSED.

Type of Wastes The facility will be permitted to store the following hazardous wastes. [Note: the "D", "F", "K", and "U" Codes are EPA Hazardous Waste Numbers that are assigned to specific hazardous wastes. These codes can be identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D).]

- D Codes (**Wastes exhibiting the characteristics of Ignitability, Reactivity, Corrosivity, and/or Toxicity**): D001- Ignitability¹; D004-D011; D018, D019, D021-D030, and D032-D043.
- F Codes (**Wastes from non-specific sources**): F002, F003, and F005

Storage Unit. The facility will be permitted to store only the hazardous wastes identified above, and hazardous waste generated on-site as follows:

- **Container Storage Unit (CSU):** The facility may store a maximum of 3,820 gallons of hazardous waste at any one time. The area of the CSU is approximately 475 square feet and is situated inside the main facility building. The CSU is equipped with secondary containment sized to retain 10% of the allowed CSU storage capacity.
- **12,000-Gallon Storage Tank:** The facility may store a maximum of 12,000 gallons of hazardous waste at any one time in the spent solvent above ground storage tank. The tank is located adjacent to the return and fill station at the north end of the facility. The above ground storage tank area is equipped with secondary containment with a capacity of 18,266 gallons.

ORGANIZATION OF THE PERMIT

The Safety-Kleen operating permit follows the general format specified by the NMED for hazardous waste facility permits. The Permit also follows the format suggested by EPA (*Model RCRA Permit for Hazardous Waste Management Facilities*, Office of Solid Waste, U.S. Environmental Protection Agency, September, 1988).

This permit specifies the actions that Safety-Kleen may take during storage operations, transfer operations, activities during closure, and any corrective action required at the facility. The permit specifies general and specific conditions that generally apply to all hazardous waste management facilities under the HWA and RCRA. Conditions covering general facility requirements include:

- general waste analysis [20.4.1.500 NMAC (incorporating 40 CFR 264.13)];
- security and inspection [20.4.1.500 NMAC (incorporating 40 CFR 264.14 and 264.15)];
- training [20.4.1.500 NMAC (incorporating 40 CFR 264.16)];
- ignitable, reactive or incompatible wastes [20.4.1.500 NMAC (incorporating 40 CFR 264.17)];
- standards for preparedness and prevention to ensure the facility is designed, constructed, maintained and operated to minimize the possibility of fire, explosion or unplanned sudden or non-sudden releases of hazardous wastes into the environment, including testing of equipment [20.4.1.500 NMAC incorporating 40 CFR 264.30 *et seq.*];
- contingency and emergency procedures [20.4.1.500 NMAC (incorporating 40 CFR 264.50 *et seq.*)];

- record-keeping and reporting [20.4.1.500 NMAC incorporating 40 CFR 264.70 *et seq.*]);
- closure activities for the regulated unit [20.4.1.500 NMAC (incorporating 40 CFR 264.110 *et seq.*)];
- corrective action for releases from solid waste management units and/or areas of concern [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]; and

Additionally, the permit covers specific requirements such as conditions for:

- storage of hazardous waste in containers (20.4.1.500 NMAC (incorporating 40 CFR 264.170 *et seq.*));
- storage of hazardous waste in tanks (20.4.1.500 NMAC (incorporating 40 CFR 264.190 *et seq.*));

The permit is organized into seven parts as described below. The column titled *Regulatory Citation* provides the regulatory authority for each permit condition. The permit also expressly incorporates attachments that have been approved, with revisions, for enforceability consistent with NMED regulations.

PERMIT ORGANIZATION		
PERMIT PART	TOPIC	REGULATORY CITATION
1	GENERAL PERMIT CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 270)
2	GENERAL FACILITY CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts B through H)
3	STORAGE OF HAZARDOUS WASTE IN CONTAINERS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I)
4	STORAGE OF HAZARDOUS WASTE IN TANKS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart J)
5	CORRECTIVE ACTION	20.4.1.500 NMAC (incorporating 40 CFR 264.101)
6	SUBPART BB STANDARDS FOR EQUIPMENT LEAKS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart BB)
7	SUBPART CC STANDARDS FOR ORGANIC AIR EMISSIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC)

Permit Part 1 contains conditions that generally apply to all hazardous waste management facilities and includes permit conditions specifying: the Effect of Permit; Permit Actions; Severability; Definitions; Duties and Requirements; Signatory Requirement; Reports and

Notifications Submitted to the Secretary; Confidential Information; and Documents to Be Maintained at the Facility.

Permit Part 2 contains conditions covering general facility requirements for Safety-Kleen and includes permit conditions specifying: Construction and Operation; Run-on And Run-off Controls; Permitted And Prohibited Waste Sources; Permitted And Prohibited Waste; Waste Analysis Plan; Security; General Inspection Requirements; Personnel Training; Special Provisions For Ignitable, Reactive, or Incompatible Waste; Preparedness And Prevention; Contingency Plan; Recordkeeping And Reporting; Waste Minimization Program; Land Disposal Restrictions, Transportation of Hazardous Waste; and General Closure Requirements.

Permit Part 3 contains conditions for storage of hazardous waste in containers. Permit Part 3 specifies standards for the construction, operation, and maintenance of the CSU. The requirements and conditions for the maximum volumes and kinds of waste that can be stored in approved containers are also specified.

Permit Part 4 contains conditions for storage of hazardous waste in tanks. Permit Part 4 specifies standards for the construction, operation, and maintenance of the spent solvent 12,000-gallon above ground storage tank and return and fill station. The requirements and conditions for the maximum volumes and kinds of waste that can be stored in the storage tank are also specified.

Permit Part 5 contains the conditions and requirements for corrective action for releases from Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs), and includes: notification and assessment requirements for releases; confirmatory sampling requirements; investigations requirements; interim measures; remedy selection; and permit modification requirements. SWMUs are any discernable units at which solid waste has been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units may include any area at the Facility at which solid wastes has been routinely and systematically released, but does not include one-time accidental spills that are immediately remediated or areas in which waste has not been managed, e.g., product storage areas. AOCs are considered to be any discernable area at the facility, or are off-site, determined by the Secretary to be impacted by migration of contamination from the facility, where hazardous waste or hazardous constituent(s) are present, or are suspected to be present, as a result of a release from the facility, and that pose a current or potential threat to human health or the environment. The regulatory justifications for imposing corrective action are contained in the NMED's technical support documents filed in the administrative record. Permit Part 5 also contains a schedule of compliance with due dates for submittal of corrective action deliverables, and the deadlines for NFA request by the Permittee.

Permit Part 6 contains organics air emission requirements for which required control equipment has been installed and is operational, or are exempt from Subpart BB standards under 20.4.1.500 NMAC (incorporating 40 CFR Part 264 Subpart BB).

Permit Part 7 contains organics air emission requirements for which required control equipment has been installed and is operational, or are exempt from Subpart CC standards under 20.4.1.500 NMAC (incorporating 40 CFR Part 264 Subpart CC).

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PUBLIC PARTICIPATION

Availability of Additional Information:

NMED announced the availability of the draft Permit for public comment on **July 2, 2003**. The administrative record for this draft Permit consists of the Permit Application, the draft Permit, a Fact Sheet, and related correspondence. A copy of the draft Permit and the Fact Sheet may be reviewed at the following locations during the public comment period:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.

Albuquerque Public Library
501 Copper Avenue NW
Albuquerque, New Mexico 87102
Monday - Thursday 10:00 a.m. to 8:00 p.m.
Friday and Saturday from 10:00 a.m. to 6:00 p.m., and Sunday from 1:00 p.m. to 5:00 p.m.

A copy of the draft Permit, Fact Sheet, and Public Notice are also available on the NMED website at www.nmenv.state.nm.us/HWB/skfaperm.html under Safety-Kleen. To obtain a copy of the administrative record or a portion thereof, in addition to further information, please contact Mr. Robert Warder at (505) 841-9040, or the address given below. NMED will provide members of the public with up to 80 pages of the Administrative Record free of charge. Thereafter, NMED will charge a copy fee of \$0.25 per page.

Comment Period and Regulatory Contact:

NMED issued a Public Notice on **July 2, 2003** to announce the beginning of a 45-day comment period that will end on **August 18, 2003**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received on or before **5:00 p.m., August 18, 2003** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Ref: Safety-Kleen Farmington - draft Permit
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on available information for review and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing shall

provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any Permit conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

Final Decision:

The NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Permit will become part of the administrative record, be considered in formulating a final decision, and may cause the draft Permit to be modified. NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, the reasons for the change, and will briefly describe and respond to all public comments on the draft Permit or the Permit application raised during the public comment period. This response will also be posted on the NMED website in addition to all persons presenting written comments.

After consideration of all the written public comments received, the NMED will issue, or modify and issue the Permit. If the NMED modifies and issues the Permit, the Permittee shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Permit decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act. All persons on the facility mailing list, presenting written comments, or who requested notification in writing, will be notified of the final decision by mail.

The final decision will become effective thirty days after service of the decision, unless a later date is specified or review is requested under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, Section 901.E., *Hearings*.

Arrangements for Persons with Disabilities:

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley, NMED, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, NM 87502-6110; Telephone Number (505) 827-2580. TDD or TDY users please access Mr. Hawley's number via the New Mexico Relay Network.. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 800-659-1779.